

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANDREW FIELDS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 3:03-cv-291-GPM
	)	
E. EDMISTER, M. BIBY, D. LOCKRIDGE,	)	
and USA,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on the Motion for Leave to File an Amended Complaint filed by the plaintiff, Andrew Fields, on March 15, 2005 (Doc. 56), the Motion for Order to Show Cause filed by Fields on April 22, 2005 (Doc. 58), the Motion to Stay Proceedings filed by Fields on April 22, 2004 (Doc. 58), and the Motion to Compel Discovery filed by Fields on June 10, 2005 (Doc. 60). For the reasons set forth below, the motion for leave to file an amended complaint is **DENIED**, the motion for order to show cause is **DENIED AS MOOT**, the motion to stay is **DENIED AS MOOT**, and the motion to compel is **DENIED**.

**MOTION TO AMEND (DOC. 56)**

The plaintiff seeks to amend his complaint in order to assert a claim against the Bureau of Prisons pursuant to the Federal Tort Claims Act. 28 U.S.C. §1346, 2671-2680. Chief Judge Murphy, by an order dated July 13, 2004 (Doc. 35), already has denied a similar motion. As the plaintiff has offered no reason to revisit that order, this motion must be **DENIED**.

**MOTION FOR ORDER TO SHOW CAUSE/MOTION TO STAY PROCEEDINGS (Do. 58)**

In these motions, the plaintiff seeks a stay of these proceedings as he had been transferred from the Northern Correctional Institution to the Garner Correctional Institution in Newton,

Connecticut. He further states that the officials at Garner are preventing him from accessing his legal materials. On the same day that this motion was filed, however, the plaintiff also filed a notice of change of address in which he indicated that as of April 14<sup>th</sup>, 2005, he was again transferred back to the Northern Correctional Institution. As such, this motion is **DENIED AS MOOT**.

#### **MOTION TO COMPEL DISCOVERY (DOC. 60)**

In this motion to compel, the plaintiff indicates that he served a Request for Admissions and Interrogatories on the defendants by mailing a copy of these requests to the Attorney General's office in Washington, D.C. He further states that he mailed these documents on March 8, 2005 and has received no response. In the defendants' objection, they correctly note that they are not required to respond to discovery requests that have not been properly served. For this reason, the motion is **DENIED**.

The plaintiff is directed to serve all future discovery on defense counsel, William E. Coonan, Assistant U.S. Attorney, at his office, 9 Executive Drive, Suite 300, Fairview Heights, IL 62208. The plaintiff is also directed to follow the Federal Rules of Civil Procedure and the Local Rules prior to serving discovery requests. Specifically, the Court directs the plaintiff to Federal Rules of Civil Procedure 5(a) and (b)(1), 11(a), 26, 33, and 36. The plaintiff is reminded that Local Rule 26.1(b)(1) requires that he file Requests for Admissions with the Court. In addition, the plaintiff generally may not seek discovery from dismissed defendants, as they are no longer parties to this lawsuit, without a subpoena pursuant to Rule 45. The plaintiff further is reminded to specify which defendant his requests are directed towards.

For the foregoing reasons, the Motion for Leave to File an Amended Complaint filed by

the plaintiff, Andrew Fields, on March 15, 2005 is **DENIED** (Doc. 56), the Motion for Order to Show Cause filed by Fields on April 22, 2005 is **DENIED AS MOOT** (Doc. 58), the Motion to Stay Proceedings filed by Fields on April 22, 2004 is **DENIED AS MOOT** (Doc. 58), and the Motion to Compel Discovery filed by Fields on June 10, 2005 is **DENIED** (Doc. 60).

**DATED: July 25, 2005**

s/ Donald G. Wilkerson  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**